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Ira Marlow

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EXAMINER

KURR, JASON RICHARD

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2614

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/732,909	<b>Applicant(s)</b> MARLOW, IRA	
	<b>Examiner</b> JASON R. KURR	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9-19,21 and 23-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9-19,21 and 23-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 42-49 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/19/09 8/24/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Newly submitted claims 42-49 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 1-5, 7, 9-19, 21 and 23-41 are directed to the physical structure of a docking station for docking and integrating a portable device, whereas the newly submitted claims are directed to the details of an integration system for integrating a portable device with a car stereo. The invention as originally claimed does not require the details of the newly submitted claims and may operate excluding the newly added claim disclosure. The newly added claims have a separate utility, such as integrating incompatible devices.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 42-49 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7, 9, 12-15, 18-19, 21, 24-28, 30, 32-36 and 39-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Juntunen et al (US 6163711).

With respect to claim 1, Juntunen discloses a docking station (fig.1 #50) for docking and integrating a portable device (fig.1 #1) for use with a car stereo (fig.1 #3), comprising: a base portion (fig.7 #56) for receiving a portable device external to a car stereo (col.4 ln.40-42); a bottom member (fig.7 "4-walled housing including keyhole #54") connected to the base portion and defining a cavity for receiving a portable device (col.4 ln.25-34); and an integration device (fig.1 #2) positioned within the base portion for integrating a portable device with a car stereo (col.4 ln.47-62), wherein the docking station is positioned remotely from a car stereo (fig.1).

With respect to claim 3, Juntunen discloses the apparatus of claim 1, wherein the base portion comprises a connector (fig.7 #58) for connecting the integration device with the portable device.

With respect to claim 4, Juntunen discloses the apparatus of claim 1, further comprising a cable interconnected at one end to the integration device and at an opposite end to a car stereo (col.3 ln.25-42).

With respect to claim 5, Juntunen discloses the apparatus of claim 1, wherein the integration device is wirelessly connected to a car stereo (col.2 ln.38-54).

With respect to claim 7, Juntunen discloses the apparatus of claim 1, wherein the portable device comprises a CD player, CD changer, MP3 player, Digital Audio Broadcast (DAB) receiver, portable video device (col.3 ln.3-5), or a satellite receiver.

With respect to claim 9, Juntunen discloses the apparatus of claim 1, wherein the integration device comprises a circuit board housed in the base portion (col.4 ln.46-51).

With respect to claim 12, Juntunen discloses the apparatus of claim 1, wherein the integration device is connected to the car stereo using a bus connection (fig.2 #5).

With respect to claim 13, Juntunen discloses the apparatus of claim 1, wherein the car stereo is an Original Equipment Manufacturer (OEM) or after-market car stereo. It is inherent that the wireless radio communication of Juntunen would be compatible with any tunable (OEM) car stereo.

With respect to claim 14, Juntunen discloses the apparatus of claim 1, further comprising one or more auxiliary input ports connected to the integration device for integrating additional portable devices external to the docking station (col.6 ln.55-64).

With respect to claim 15, Juntunen discloses a method for docking and integrating a portable device (fig.1 #1) for use with a car stereo (fig.1 #3), comprising: providing a docking station (fig.1 #50) having a base portion (fig.7 #56), a bottom member (fig.7 "4-walled housing") connected to the base portion (col.4 ln.25-34), and an integration device (fig.1 #2) housed within the base portion; inserting a portable device into the docking station and connecting the portable audio device to a connector (fig.7 #58) on the base portion; positioning the docking station remotely from a car stereo (fig.1); and integrating the portable device with the integration device for use with a car stereo (col.4 ln.41-52).

With respect to claim 18, Juntunen discloses the method of claim 15, further comprising interconnecting the integration device with the car stereo with a cable (col.3 ln.25-42).

With respect to claim 19, Juntunen discloses the method of claim 15, further comprising establishing a wireless connection between the integration device and the car stereo (col.2 ln.38-54).

With respect to claim 21, Juntunen discloses the apparatus of claim 15, wherein the portable device comprises a CD player, CD changer, MP3 player, Digital Audio Broadcast (DAB) receiver, portable video device (col.3 ln.3-5), or a satellite receiver.

With respect to claim 24, Juntunen discloses the method of claim 15, further comprising connecting the integration device to the car stereo using a bus connection (fig.2 #5).

With respect to claim 25, Juntunen discloses the apparatus of claim 15, wherein the car stereo is an Original Equipment Manufacturer (OEM) or after-market car stereo. It is inherent that the wireless radio communication of Juntunen would be compatible with any (OEM) car stereo.

With respect to claim 26, Juntunen discloses the method of claim 15, further comprising connecting an external portable device to an auxiliary input port (fig.5 #35) on the docking station and integrating the external portable device with the car stereo (col.6 ln.55-64).

With respect to claim 27, Juntunen discloses the method of claim 1, wherein the docking station is mountable within a vehicle (fig.1).

With respect to claim 28, Juntunen discloses the method of claim 15, further comprising mounting the docking station in a vehicle (fig.1).

With respect to claim 30, Juntunen discloses a docking station (fig.1 #50) for docking and integrating a portable device (fig.1 #1) for use with a car stereo (fig.1 #3), comprising: a base portion (fig.7 #56) for receiving a portable device external to a car stereo (col.4 ln.40-42); a bottom member (fig.7 "4-walled housing") connected to the base portion and defining a cavity for receiving a portable device (col.4 ln.25-34); and an integration device (fig.1 #2) connected to the base portion and in electrical communication with a car stereo and a portable device for integrating a portable device with a car stereo (col.4 ln.47-62), wherein the docking station is positioned remotely from the car stereo (fig.1).

With respect to claim 32, Juntunen discloses the apparatus of claim 30, wherein the base portion comprises a connector (fig.7 #58) for connecting the integration device with the portable device.

With respect to claim 33, Juntunen discloses the apparatus of claim 30, further comprising a cable interconnected at one end to the integration device and at an opposite end to a car stereo (col.3 ln.25-42).

With respect to claim 34, Juntunen discloses the apparatus of claim 30, wherein the integration device is wirelessly connected to a car stereo (col.2 ln.38-54).

With respect to claim 35, Juntunen discloses the apparatus of claim 30, wherein the portable device comprises a CD player, CD changer, MP3 player, Digital Audio Broadcast (DAB) receiver, portable video device (col.3 ln.3-5), or a satellite receiver.

With respect to claim 36, Juntunen discloses the apparatus of claim 30, wherein the integration device comprises a circuit board housed in the base portion (col.4 ln.46-51).

With respect to claim 39, Juntunen discloses the apparatus of claim 1, wherein the integration device is connected to the car stereo using a bus connection (fig.2 #5).

With respect to claim 40, Juntunen discloses the apparatus of claim 1, wherein the car stereo is an Original Equipment Manufacturer (OEM) or after-market car stereo. It is inherent that the wireless radio communication of Juntunen would be compatible with any (OEM) car stereo.

With respect to claim 41, Juntunen discloses the apparatus of claim 1, further comprising one or more auxiliary input ports (fig.5 #35) connected to the integration device for integrating additional portable devices external to the docking station (col.6 ln.55-64).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



Claims 2, 11, 16-17, 31 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juntunen et al (US 6163711) and in further view of Kerner et al (US 5897155).

With respect to claim 2, Juntunen discloses the apparatus of claim 1, however does not disclose expressly wherein a top member is hingedly connected at an edge to the base portion.

Kerner discloses a center console of a motor vehicle comprising a top member (fig.2 #12) that is hingedly connected (fig.2 #13) at an edge to a base portion (fig.2 #10). At the time of the invention it would have been obvious to a person of ordinary skill in the art to mount the docking station of Juntunen within the console of Kerner. The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position, and to keep the portable device out of sight to prevent theft.

With respect to claim 11, Juntunen discloses the apparatus of claim 2, wherein the top member is pivotable away from the bottom member to allow access to the portable audio device (Kerner: col.3 ln.15).

With respect to claim 16, Juntunen discloses the method of claim 15, however does not disclose expressly further comprising providing a top member connected to the base portion and pivotable away from the bottom member prior to inserting the portable audio device into the docking station.

Kerner discloses a center console of a motor vehicle comprising a top member (fig.2 #12) that is hingedly connected (fig.3 #13) at an edge to a base portion (fig.2 #10).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to mount the docking station of Juntunen within the console of Kerner. The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position, and to keep the portable device out of sight to prevent theft.

With respect to claim 17, Juntunen discloses the method of claim 16, further comprising closing the top member to retain the portable audio device in the docking station (Kerner: col.3 ln.15).

With respect to claim 31, Juntunen discloses the apparatus of claim 30, however does not disclose expressly further comprising a top member hingedly connected at an edge to the base portion.

Kerner discloses a center console of a motor vehicle comprising a top member (fig.2 #12) that is hingedly connected (fig.3 #13) at an edge to a base portion (fig.2 #10). At the time of the invention it would have been obvious to a person of ordinary skill in the art to mount the docking station #12 of Juntunen within the console of Kerner. The motivation for doing so would have been to provide a closeable case that can reduce risks of damage to the portable device while in the docked position, and to keep the portable device out of sight to prevent theft.

With respect to claim 38, Juntunen discloses the apparatus of claim 31, however the top member is pivotable away from the bottom member to allow access to the portable audio device (Kerner: col.3 ln.15).

Claims 10, 23, 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juntunen et al (US 6163711) in view of Miyazaki et al (US 6163079).

With respect to claim 10, Juntunen discloses the apparatus of claim 1, however does not disclose expressly wherein the docking station is mountable in a vehicle trunk.

Miyazaki discloses an automobile audio system wherein a docking station (fig.1 #38) is mountable in the trunk (col.4 ln.11-14). At the time of the invention it would have been obvious to a person of ordinary skill in to mount the docking station of Juntunen in the trunk of a vehicle as disclosed by Miyazaki. The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle, in situations where the vehicle is parked.

With respect to claim 23, Juntunen discloses the method of claim 15, however does not disclose expressly wherein the apparatus further comprises mounting the docking station in a vehicle trunk.

Miyazaki discloses an automobile audio system wherein a docking station (fig.1 #38) is mountable in the trunk (col.4 ln.11-14). At the time of the invention it would have been obvious to a person of ordinary skill in to mount the docking station of Juntunen in the trunk of a vehicle as disclosed by Miyazaki. The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle, in situations where the vehicle is parked.

With respect to claim 29, Juntunen discloses the method of claim 28 however does not disclose expressly further comprising mounting the docking station in a vehicle trunk.

Miyazaki discloses an automobile audio system wherein a docking station (fig.1 #38) is mountable in the trunk (col.4 ln.11-14). At the time of the invention it would have been obvious to a person of ordinary skill in to mount the docking station of Juntunen in the trunk of a vehicle as disclosed by Miyazaki. The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle, in situations where the vehicle is parked.

With respect to claim 37, Juntunen discloses the apparatus of claim 30, however does not disclose expressly wherein the docking station is mountable in a vehicle trunk.

Miyazaki discloses an automobile audio system wherein a docking station (fig.1 #38) is mountable in the trunk (col.4 ln.11-14). At the time of the invention it would have been obvious to a person of ordinary skill in to mount the docking station of Juntunen in the trunk of a vehicle as disclosed by Miyazaki. The motivation for doing so would have been for applications wherein a primary listening position of a user would be located outside of the vehicle, in situations where the vehicle is parked.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed August 24, 2009, with respect to the rejection(s) of claim(s) 1-5, 7, 9-19, 21 and 23-41 under Coon have been fully considered and are persuasive in view of Applicant's Declaration under 37 C.F.R. 1.131 which establishes actual reduction to practice prior to May 24, 2000, the filing date of Coon. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Juntunen (US 6163711).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON R. KURR whose telephone number is (571)272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason R Kurr/  
Examiner, Art Unit 2614

/Xu Mei/  
Primary Examiner, Art Unit 2614